

Message Text

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AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 04 BONN 00149

E.O. 11652: GDS
TAGS: PFOR, PGOV, WB, GE, US, UK, FR, GW, UR
SUBJECT: ALLIED RESPONSE TO GDR VISA MEASURE

REFS: (A) BONN 0148; (B) STATE 000675; (C) USBERLIN 23

BEGIN SUMMARY: THE BONN GROUP HAS AGREED ON THE
DESIRABILITY OF AN EARLY ALLIED PRESS RELEASE AND OF
AN ALLIED PROTEST TO THE SOVIETS CONCERNING THE
IMPOSITION OF NEW VISA REGULATIONS FOR VISITS TO EAST
BERLIN AND THE ACCOMPANYING STATEMENTS BY THE GDR
FOREIGN MINISTRY. TEXTS OF BOTH STATEMENTS AS AGREED
AD REF ARE REPORTED IN REF A. THE CONSENSUS OF THE
BONN GROUP WAS THAT THE VISA REGULATION IN AND OF
ITSELF WAS NOT TOO SIGNIFICANT, BUT THAT THE REMOVAL
OF BORDER CONTROL POINTS BETWEEN EAST BERLIN AND THE
GDR PLUS THE WELL-PREPARED OFFICIAL GDR STATEMENT
CAST THE MATTER IN A MORE SERIOUS LIGHT AND REQUIRED
AN ALLIED REACTION. THERE WAS NO CONSENSUS ON THE
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DESIRABILITY OF COUNTER-MEASURES, AND THE OTHER BONN
GROUP REPS REACTED WITH RESTRAINT TO THE US SUGGESTION
THAT SUCH MEASURES MIGHT BE APPROPRIATE.

WHILE IT WOULD BE DESIRABLE TO COORDINATE THE
ALLIED PRESS RELEASE WITH THE DELIVERY OF THE PROTEST,
THE FRG FONOFF IS UNDER CONSIDERABLE PRESSURE FOR A

STATEMENT AND THE FRG REP THUS URGES THAT IT BE ISSUED AS SOON AS POSSIBLE, EVEN IF AGREEMENT ON THE PROTEST CANNOT BE IMMEDIATELY REACHED. ACTION REQUESTED: APPROVAL OF THE DRAFT STATEMENT AND PROTEST.
END SUMMARY

1. IN JANUARY 4 MEETING, BONN GROUP CONSIDERED APPROPRIATE WESTERN RESPONSE TO RECENT GDR ACTIONS INCLUDING CHANGE IN GDR VISA PROCEDURES, ACCOMPANYING GDR STATEMENTS ON STATUS OF BERLIN AND QA, AND CLOSURE OF BORDER CROSSING POSTS BETWEEN GDR AND THE EASTERN SECTOR OF BERLIN. AFTER GENERAL CONSIDERATION OF SITUATION, AD REF AGREEMENT WAS REACHED ON TEXTS FOR JOINT ALLIED PRESS STATEMENT AND PROTEST TO SOVIETS (TEXTS REPORTED REF A).

ASSESSMENT OF GDR MEASURES

2. FRENCH REP (DE BOISSIEU) NOTED THAT, IN HIS VIEW, THREE ASPECTS OF THE SITUATION WERE IMPORTANT:

-- THE IMPOSITION BY GDR OF THE NEW VISA REQUIREMENT TO THIRD-COUNTRY NATIONALS AND STATELESS PERSONS. DE BOISSIEU DESCRIBED THE MEASURE AS IN ITSELF THE "LEAST IMPORTANT" OF THE THREE. IT WAS ESSENTIALLY THE EXTENSION TO NON-GERMANS OF RULES ALREADY APPLIED BY THE GDR TO GERMANS.

-- THE REMOVAL OF BORDER POSTS BETWEEN THE
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EASTERN SECTOR OF BERLIN AND THE GDR. DE BOISSIEU CALLED THE STEP "VERY IMPORTANT". IN ITSELF, IT DESERVES AN ALLIED PROTEST. FACED WITH THESE SALAMI TACTICS, WE HAD BEEN MISTAKEN IN NOT MAKING AN IMMEDIATE DEMARCHE CONCERNING THE CHANGES IN GDR ELECTORAL LAW LAST YEAR.

-- THE GDR MFA AND NEUES DEUTSCHLAND STATEMENTS CONCERNING THE STATUS OF BERLIN. WE SHOULD MAKE COUNTER-STATEMENTS EITHER IN BONN OR IN CAPITALS CONFIRMING THE QUADRIPARTITE STATUS OF BERLIN AND THE APPLICABILITY OF THE QA TO ALL OF BERLIN.

3. US REP GENERALLY AGREED WITH BOISSIEU'S ANALYSIS AND ADDED THAT CHANGE IN GDR VISA LAW WAS MORE QUANTITATIVE THAN QUALITATIVE, AS VISAS WERE ALREADY REQUIRED FOR STAYS IN BERLIN OF MORE THAN 24 HOURS. HOWEVER, IT WAS MUCH MORE SERIOUS STEP CONSIDERING ACCOMPANYING GDR PUBLIC STATEMENTS, AND THE

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SIMULTANEOUS REMOVAL OF THE CROSSING POINTS CAST
EVEN A GRAVER LIGHT ON THE MATTER. DRAWING ON
INSTRUCTIONS IN REF B, US REP CONCLUDED THAT ALLIES
SHOULD RESPOND FIRMLY AND QUICKLY WITH A PUBLIC
STATEMENT AND A PROTEST TO THE SOVIETS.

4. UK REP (HITCH) AGREED WITH THIS ANALYSIS OF THE
FACTS. IN HIS VIEW, THE MOST IMPORTANT POINT WAS THE
GDR ATTEMPT TO ALTER THE STATUS OF BERLIN. THE
UK MISSION IN BERLIN CONNECTED THE GDR ACTION TO THE
INCLUSION OF THE GOVERNING MAYOR OF EAST BERLIN IN
THE GDR COUNCIL OF MINISTERS AND THE ABOLITION OF
SEPARATE PASSES FOR EAST BERLIN MEMBERS OF THE
VOLKSKAMMER. THE ALLIES SHOULD PROTEST AND SHOULD
MAKE THE PROTEST PUBLIC TO SOME DEGREE.

5. FRG REP (LUECKING) OBSERVED THAT HE AGREED
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WITH ALMOST EVERYTHING WHICH HAD BEEN SAID BY THE ALLIED REPS. HIS INFORMATION FROM BERLIN INDICATED ABOUT 100,000 PERSONS WOULD BE AFFECTED. IN HIS VIEW, THE GDR ACTION WAS MOSTLY CONCERNED WITH FOREIGN WORKERS. THAT WAS REFLECTED IN MITDANK'S CALLS ON THE TURKISH, GREEK, AND ITALIAN AMBASSADORS IN BERLIN (BERLIN 7366). MITDANK HAD TRIED TO PLAY IT DOWN. ON THE OTHER HAND, THE VERY CAREFULLY PREPARED GDR MFA STATEMENT MUST BE TAKEN SERIOUSLY. THE GDR HAD NEVER GONE SO FAR BEFORE IN THE ASSERTION OF ITS POSITION ABOUT THE STATUS OF THE CITY.

6. LUECKING CONTINUED THAT THE GDR STATEMENT MUST BE ANSWERED. NO ONE WANTED ANOTHER DEMOGRAPHIC YEARBOOK ARGUMENT BUT THE ALLIES MUST REPLY. HE WAS PARTICULARLY DISTURBED BY THE GDR PRESENTATION OF THE VISA CHANGE AS A "NORMALIZATION", AS A "COMPLETELY NORMAL THING". IT WAS NECESSARY TO CONSIDER THE POSSIBILITY THAT THE GDR ACTION WAS THE FIRST STEP TOWARD LIMITATION OF TRAVEL BY FRG CITIZENS IN EAST BERLIN AND THE GDR. LUECKING CONCLUDED THAT WE NEEDED:

-- A PRESS STATEMENT SIMILAR TO THE STATEMENT ISSUED AT THE TIME OF THE STERNFAHRT AFFAIR (AUGUST 14, 1976);

-- AN ALLIED PROTEST TO THE SOVIETS, EITHER IN MOSCOW OR IN CAPITALS;

-- AND, PICKING UP ON THE THOUGHT IN PARA 3, REF B, POSSIBLE COUNTER-MEASURES AGAINST THE GDR, ALTHOUGH HE WONDERED WHAT THEY MIGHT BE.

7. US REP THEN DISTRIBUTED DRAFTS FOR A PRESS STATEMENT AND A PROTEST.

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PRESS STATEMENT

8. AD REF TEXT (PARA 2, REF A) IS COMPROMISE BETWEEN US DESIRE TO EMPHASIZE NEW GDR VISA REQUIREMENT AS YET ANOTHER ATTEMPT TO RESTRICT FREEDOM OF MOVEMENT IN GREATER BERLIN, IN VIOLATION OF POST WAR AGREEMENTS, AND FRENCH DESIRE TO FOCUS ON REMOVAL OF BORDER POSTS. ALL REPS CONCURRED THAT TEXT SHOULD EMPHASIZE NOTHING GDR HAD DONE OR SAID COULD ALTER

STATUS OF CITY OR FOUR POWER RIGHTS AND RESPONSIBILITIES. FINAL REFERENCE TO RESPONSIBILITY OF SOVIETS IS MEANT TO IMPLY THAT ALLIES WILL BE TAKING MATTER UP WITH THE SOVIETS.

9. QUESTION OF TIMING FOR PRESS RELEASE REMAINS OPEN PENDING OUTCOME OF CONSIDERATION OF BOTH TEXTS IN CAPITALS. ALL REPS WERE AGREED THAT OPTIMUM HANDLING WOULD INVOLVE ISSUANCE OF PRESS RELEASE AT ABOUT SAME TIME AS DELIVERY OF PROTEST TO SOVIETS, HOPEFULLY BEFORE THE END OF THIS WEEK. LUECKING STATED, HOWEVER, THAT FONOFF IS UNDER "TREMENDOUS PRESSURE" TO SAY SOMETHING TO PRESS (HE CITED YESTERDAY'S FRANKFURTER ALLGEMEINE HEADLINE, "STILL NO REACTION FROM ALLIES", TO ILLUSTRATE POINT), AND URGED THAT STATEMENT BE ISSUED AS QUICKLY AS POSSIBLE, EVEN IF AGREEMENT ON PROTEST SHOULD REQUIRE MORE TIME. FRG WOULD LIKE TO SEE STATEMENT ISSUED BY ALLIED EMBASSIES ON JANUARY 5 IF AT ALL POSSIBLE. IT WAS AGREED TO MAKE AN EFFORT TO OBTAIN AGREEMENT TO BOTH STATEMENT AND PROTEST FOR USE BY JANUARY 6, BUT FAILING THAT, TO RECOMMEND THAT PRESS RELEASE BE MADE IN

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ADVANCE OF PROTEST.

ALLIED PROTEST TO SOVIETS

10. THE US DRAFT BORROWED RATHER EXTENSIVELY FROM THE ALLIED NOTE OF APRIL 14, 1975, TO THE SECRETARY GENERAL OF THE UN CONCERNING THE DEMOGRAPHIC YEARBOOK, WITH SOME LANGUAGE TAKEN ALSO FROM BQD-CC-23 (THE 1963 CONTINGENCY STATEMENT FOR USE IN THE EVENT OF AN ATTEMPT TO INCORPORATE EAST BERLIN INTO THE GDR) AND THE ALLIED PROTEST TO THE SOVIETS IN JULY 1968 IN CONNECTION WITH THE JUNE 11, 1968, IMPOSITION OF VISA REQUIREMENTS ON WEST GERMANS AND WEST BERLINERS FOR VISITS TO THE GDR AND EAST BERLIN. AGREEMENT PROVED FAIRLY EASY ON ALL BUT THE FINAL PORTIONS OF THE DRAFT, WHICH WAS WORDED RATHER FIRMLY IN ACCORDANCE WITH THE DEPARTMENT'S INSTRUCTIONS. CONFIDENTIAL

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TIONS (PARA 2B, REF B).

11. ALTHOUGH THE 1968 ALLIED PROTEST HAD STATED THAT THE ALLIES "HAD ALWAYS MAINTAINED THAT LIMITATIONS IMPOSED ON FREEDOM OF MOVEMENT WITHIN BERLIN ARE IN VIOLATION OF INTERNATIONAL AGREEMENTS," BOISSIEU QUESTIONED THE ACCURACY OF THE STATEMENT (AND NO ONE ELSE WAS ABLE TO CITE THE AGREEMENTS INVOLVED) AND WAS UNWILLING TO REPEAT IT IN THE PROPOSED PROTEST (OR IN THE DRAFT PRESS STATEMENT). ALL REPS AGREED, HOWEVER, THAT THE ADDITIONAL RESTRICTION ON FREEDOM OF MOVEMENT SHOULD BE CITED AS ONE OF THE OBJECTIONABLE ACTIONS. AT BRITISH AND FRENCH INSTIGATION, REFERENCE WAS ALSO MADE TO THE REMOVAL OF THE CONTROL POINTS ON THE EAST BERLIN/GDR BORDER. WHILE HARD PUT TO STATE THAT THE LATTER ACTION VIOLATED AN AGREEMENT, THE FEELING OF THE BONN GROUP WAS THAT, IN THE AGGREGATE, THE GDR ACTIONS AND STATEMENTS DID INDICATE AN ATTEMPT TO CHANGE THE STATUS OF BERLIN. THAT, PLUS VIOLATION OF THE AGREEMENT IN THE QA AGAINST UNILATERAL CHANGES IN THE EXISTING SITUATION (THE ONLY RELEVANT PROVISION OF THE QA), THUS FORM THE SPECIFIC BASIS FOR THE PROTEST.

12. AS FOR THE CONCLUDING PORTIONS OF THE PROTEST, NEITHER BOISSIEU NOR HITCH WOULD ACCEPT LANGUAGE INDICATING THAT THE BASIS OF THE QA HAD BEEN THREATENED, AND LUECKING AGREED THAT IT WAS RATHER

STRONG. AGREEMENT WAS EVENTUALLY REACHED ON THE FINAL SENTENCE OF PARA C: "THE QA CAN FUNCTION ONLY IF THIS FUNDAMENTAL PRINCIPLE (NO UNILATERAL CHANGE IN THE EXISTING SITUATION) IS RESPECTED."

13. BECAUSE OF DOUBT THAT LONDON OR PARIS WOULD BE WILLING TO THREATEN COUNTER-MEASURES, BOISSIEU AND CONFIDENTIAL

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HITCH WERE ALSO UNWILLING TO ACCEPT THE FINAL HALF OF THE LAST SENTENCE OF PARA D, WHICH THUS APPEARS IN FRENCH/UK BRACKETS. THEY AGREED TO REPORT THE BRACKETED LANGUAGE WITH THE RECOMMENDATION THAT, IF CAPITALS ARE PREPARED TO UNDERTAKE COUNTER-MEASURES THE LANGUAGE SHOULD BE ACCEPTED, OTHERWISE IT SHOULD BE OMITTED. LUECKING ACCEPTED THE BRACKETED LANGUAGE ON AN AD REF BASIS (THOUGH WITH SOME RELUCTANCE).

14. THE QUESTION OF WHERE THE PROTEST SHOULD BE DELIVERED WAS DISCUSSED BRIEFLY BUT NO AGREEMENT WAS REACHED. AT ITS NEXT MEETING, THE BONN GROUP WILL GIVE FULLER CONSIDERATION TO THE QUESTION, LOOKING AT IT IN THE CONTEXT OF OTHER MATTERS UP FOR DISCUSSION WITH THE SOVIETS IN THE NEAR FUTURE. THESE INCLUDE THE PENDING REPLIES ON THE TWO RECENT PROTESTS ON EC MATTERS (1976 STATE 309627 AND 1976 BONN 21268), ONE OF WHICH IS TO BE DELIVERED IN MOSCOW AND ONE IN BERLIN. THE US REP HAS ALSO TABLED FOR DISCUSSION AT THE NEXT MEETING A DRAFT PROTEST ON THE INTER-FERENCE WITH BERLIN TRANSIT TRAFFIC ON DECEMBER 22-23 (1976 STATE 314129), WHICH ALSO REFERS TO INCIDENTS EARLIER IN THE YEAR INVOLVING IMPROPER INSPECTION OF SEALED TRUCKS ON THE TRANSIT ROUTES. THAT PROTEST, IF AGREED, WOULD PRESUMABLY BE DELIVERED IN BERLIN.

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COUNTER-MEASURES

15. THE GENERAL ATTITUDE OF THE BONN GROUP TOWARD POSSIBLE COUNTER-MEASURES WAS RESTRAINED. THE US REP SAID HE HAD THE IMPRESSION FROM HIS INSTRUCTIONS THAT THE DEPARTMENT WOULD BE PREPARED TO CONSIDER MEASURES, POSSIBLY IN THE FIELD OF BILATERAL RELATIONS WITH THE GDR, PROVIDED THE OTHER THREE WERE PREPARED TO GO ALONG. US REP ADDED THAT THE DESIRABILITY OF RETALIATION OF THIS SORT OBVIOUSLY DEPENDED ON THE ASSESSMENT OF THE SERIOUSNESS OF THE ACTION TAKEN BY THE GDR. IF, AS IT APPEARED, THE INTENT WAS TO ELIMINATE MOST OF THE REMAINING DISTINCTIONS BETWEEN EAST BERLIN AND THE GDR, IT MIGHT BE NECESSARY TO DEMONSTRATE THAT SUCH ACTIONS COULD NOT BE TAKEN WITHOUT COST.
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16. LUECKING STATED THAT HE PERSONALLY FELT COUNTER-MEASURES WERE WARRANTED AND THAT HIS FILES WERE FULL OF CONTINGENCY PLANS FOR SUCH MEASURES. NEVERTHELESS, HE COULD NOT RECALL WHEN SUCH MEASURES HAD EVER BEEN TAKEN, ADDING THAT THE QUESTION WENT FAR BEYOND THE COMPETENCE OF THE FONOFF AND INVOLVED OTHER MINISTRIES AND THE CHANCELLERY. HE COMMENTED ALSO ON THE DOMESTIC CONTROVERSY DURING THE RECENT ELECTION CAMPAIGN OVER OPPOSITION PROPOSALS FOR USING ECONOMIC LEVERAGE AS A MEANS OF OBTAINING POLITICAL CONCESSIONS FROM THE GDR. AS INDICATED ABOVE, LUECKING ACCEPTED ON AN AD REF BASIS LANGUAGE

IMPLYING THAT MEASURES MIGHT BE TAKEN, BUT HE DID NOT OFFER MUCH HOPE THAT THE LANGUAGE OR THE MEASURES THEMSELVES WOULD BE APPROVED BY HIS GOVERNMENT.

17. BOTH BOISSIEU AND HITCH SEEMED TO BELIEVE THAT COUNTER-MEASURES WOULD BE AN OVER-REACTION, BUT THEY EXPRESSED INTEREST IN HAVING FULLER IDEAS ON WHAT THE US MIGHT HAVE IN MIND. BOISSIEU WONDERED IN PARTICULAR WHETHER SUCH MEASURES WOULD BE LIMITED TO NON-BERLIN MATTERS OR WHETHER SOMETHING MIGHT BE THOUGHT OF IN THE BERLIN AREA WHICH WOULD NOT IN ITSELF CONSTITUTE A VIOLATION OF THE QA.

18. USBER'S SUGGESTION THAT ALLIED LEGISLATION GOVERNING STAY OF SOVIETS AND EAST EUROPEANS IN WEST BERLIN BE DISCUSSED WITH THE SOVIETS IN CONNECTION WITH DELIVERY OF THE PROTEST ON GDR VISA MEASURES (REF C) WAS RECEIVED TOO LATE FOR CONSIDERATION AT TODAY'S BONN GROUP MEETING. AS PREVIOUSLY SUGGESTED BY USBER (1976 USBER 2718), US REP INTENDS TO RAISE PROPOSAL FOR CHANGES IN PRESENT LEGISLATION IN BONN GROUP IN ORDER TO OBTAIN VIEWS OF FRG, BUT DISCUSSION OF THAT MATTER, AS NEXT ITEM ON AGENDA, WAS DEFERRED
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UNTIL JANUARY 5 MEETING. WE WILL SEEK VIEWS OF OTHER REPS ON USBER'S PROPOSAL AT THAT TIME. INITIAL EMBASSY VIEW, HOWEVER, IS THAT IT WOULD BE PREFERABLE TO KEEP THE TWO ISSUES SEPARATE. WE CANNOT TOTALLY EXCLUDE THE POSSIBILITY THAT THE NEW GDR VISA MEASURES ARE THEMSELVES A COUNTER-ACTION TO THE ACTION WE HAVE TAKEN IN EXPELLING SOVIETS FROM WEST BERLIN AND INSISTING THAT THEY OBTAIN FRG VISAS IF LONGER STAYS ARE DESIRED.

19. THE BONN GROUP WILL MEET AGAIN ON JANUARY 5.

20. ACTION REQUESTED: APPROVAL OF THE DRAFT PRESS RELEASE AND THE DRAFT ALLIED PROTEST. FOR REASONS INDICATED IN PARA 9 ABOVE, WE RECOMMEND THAT THE US REP BE GIVEN DISCRETIONARY AUTHORITY TO CONCUR IN IMMEDIATE ISSUANCE OF THE PRESS RELEASE IF AGREEMENT ON THE PROTEST IS DELAYED. WE ALSO REQUEST DISCRETIONARY AUTHORITY TO ACCEPT OR OMIT THE BRACKETED LANGUAGE AT THE END OF PARA D OF THE DRAFT PROTEST, IN ORDER TO REACH EARLY CONSENSUS ON THE TEXT.
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